

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

**JORGE M. CARRILLO AND
CELIA CARRILLO**
Plaintiffs,

v.

STATE FARM LLOYDS
Defendant.

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CIVIL ACTION NO. 1:21-cv-1082

**NOTICE OF REMOVAL OF ACTION
UNDER 28 U.S.C. § 1441(b) (DIVERSITY)**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Defendant State Farm Lloyds, (“Defendant”) and hereby petitions this Court pursuant to 28 U.S.C. §§ 1332, 1441(b), and 1446 for removal, on the basis of diversity of citizenship jurisdiction, to the United States District Court for the Western District of Texas, Austin Division, of the action numbered and styled Cause No. 21-O-543; *Jorge M. Carrillo and Celia Carrillo v. State Farm Lloyds*, in the 421st Judicial District of Caldwell County, Texas (the “State Court case”), and in support thereof would respectfully show this Court as follows:

I. FACTS

1. Plaintiffs filed their Original Petition (“Petition”) in the Caldwell County District Court case on October 21, 2021. A true and correct copy of the Original Petition is attached hereto as part of Exhibit A. In the Original Petition, Plaintiffs have asserted claims for breach of contract, violations of the Texas Insurance Code, and breach of duty of good faith and fair dealing/bad faith.

2. Plaintiffs served Defendant through its registered agent with citation and a copy of his Petition in the State Court case on October 28, 2021. Defendant timely answered the suit on November 22, 2021. This Notice of Removal is filed within thirty (30) days of service of the

Petition, in compliance with 28 U.S.C. § 1446(b).

3. Plaintiffs are citizens and residents of the State of Texas.

4. Defendant State Farm Lloyds is a mutual insurance company with no shareholders and is a citizen of Illinois.

II. AMOUNT IN CONTROVERSY

5. Plaintiffs are seeking damages in excess of \$75,000.00. *See* Exhibit A, Plaintiffs' Original Petition, paragraph 45, wherein Plaintiff alleges monetary relief of \$250,000 or less.

III. COMPLETE DIVERSITY EXISTS

6. This action is a civil action which may be removed to this Court by Defendant pursuant to the provisions of 28 U.S.C. §§ 1441(b)(2) and 1332(a) in that it is between citizens of different states, and it is a civil action wherein the matter in controversy exceeds the sum of \$75,000.00, exclusive of interests and costs.

IV. PROCEDURAL REQUIREMENTS

7. By virtue of filing this Notice of Removal, Defendant does not waive its right to assert any motions to dismiss, including Rule 12 motions permitted by the Federal Rules of Civil Procedure.

8. All of the papers on file in the State Court case at the time of removal are attached hereto as Exhibit A. Those papers include the Citation, Plaintiffs' Original Petition, E-Filing Request for Issuance, Return of Service and all Answers on file.

9. Pursuant to 28 U.S.C. § 1446(d), written notice of filing of this Notice will be given to all adverse parties promptly after the filing of this Notice.

10. Pursuant to 28 U.S.C. § 1446(d), a true and correct copy of this Notice will be filed with the District Clerk of Caldwell County, Texas promptly after the filing of this Notice.

WHEREFORE, PREMISES CONSIDERED, Defendant State Farm Lloyds requests that this action be removed from the 421st Judicial District Court of Caldwell County, Texas to the United States District Court for the Western District of Texas, Austin Division, and that this Court enter such further orders as may be necessary and appropriate.

Respectfully submitted,

SKELTON & WOODY PLLC
248 Addie Roy Rd, Bldg B-302
Austin, Texas 78746
Telephone: (512) 651-7000
Facsimile: (512) 651-7001

By: /s/ R. Ashley Applewhite
J. Hampton Skelton
hskelton@skeltonwoody.com
State Bar No. 18457700
Edward F. Kaye
ekaye@skeltonwoody.com
State Bar No. 24012942
R. Ashley Applewhite
State Bar No. 24059388
ATTORNEYS FOR DEFENDANT
STATE FARM LLOYDS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been forwarded by certified mail, return receipt requested, on the 29th day of November 2021 to the following counsel of record:

Robert C. Lane
Joshua D. Gordon
Christopher C. West
THE LANE LAW FIRM, PLLC
6200 Savoy Drive, Suite 1150
Houston, Texas 77036

/s/ R. Ashley Applewhite
R. Ashley Applewhite